

United States District Court
Eastern District of Michigan

United States of America

v.

Richard LaGrant /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-80582

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- “ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - counterfeiting - punishable by up to 20 years imprisonment.
- T** (b) weight of the evidence - strong evidence, including defendant's admission.
- T** (c) history and characteristics of the defendant - 22 years old, unmarried father of 2. Defendant fled from police to avoid arrest. Defendant lied to pretrial officer about his employment. Defendant tested positive for opiates and marijuana. Defendant has four outstanding warrants for failure to appear. Defendant has an outstanding probation violation warrant. Defendant has no significant employment history.
 - T** 1) physical and mental condition - long term drug abuse history.
 - T** 2) employment, financial, family ties - has family ties, but no assets.
 - T** 3) criminal history and record of appearance - three prior drug convictions, and two felonies.
- T** (d) probation, parole or bond at time of the alleged offense
- “ (e) danger to another person or community.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

June 29, 2005

Date

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge